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14 PALO ALTO NETWORKS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

21 FINJAN LLC,
22 Plaintiff,
23 v.
24 PALO ALTO NETWORKS, INC.,
25 Defendant.

Case No. 3:14-CV-04908-RS

**DECLARATION OF MICHAEL J.
DESTEFANO IN SUPPORT OF
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL
SHOULD BE SEALED**

Courtroom: 3, 17th Floor
Judge: Honorable Richard Seeborg

1 I, MICHAEL J. DESTEFANO, hereby declare as follows:

2 1. I have personal knowledge of the facts set forth in this declaration and, if called as
 3 a witness, could and would testify competently thereto. I am submitting this declaration in
 4 support of Defendant Palo Alto Networks, Inc.’s (“PAN”) Administrative Motion to Consider
 5 Whether Another Party’s Materials Should be Sealed. The materials include exhibits to PAN’s
 6 Opposition to Finjan, LLC’s (“Finjan”) Motion for Partial Summary Judgment (“Opposition
 7 Motion”).

8 2. I am an Associate at the law firm of Morrison & Foerster LLP. I am counsel for
 9 PAN in this litigation.

10 3. The documents listed below contain information that Check Point Software
 11 Technologies, LTD. (“Check Point”) has designated as at least “HIGHLY CONFIDENTIAL –
 12 ATTORNEYS’ EYES ONLY” pursuant to the protective order.

<u>Document</u>	<u>Citation to Sealable Information</u>	<u>Designating Party</u>
15 Exhibit 1 to Declaration of Michael DeStefano in Support of PAN’s Opposition to Finjan’s Motion for Partial Summary Judgment (Excerpt of Opening Expert Report of Dr. Aviel Rubin, dated January 27, 2023).	Entire Document	Check Point
16 17 18 19 20 21 22 23 Exhibit 3 to the DeStefano Declaration in Support of PAN’s Opposition to Finjan’s Motion for Partial Summary Judgment (Declaration of Tamir Zegman, dated December 23, 2022).	Entire Document	Check Point

24 4. Pursuant to Sections 2.16 and 14.4 of the Stipulated Protective Order (Dkt. No.
 25 110), PAN is prohibited from publicly disclosing information that Check Point has designated as
 26 “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” absent written permission from
 27 Check Point or a court order.

1 5. PAN respects Check Point's designations of confidentiality and seeks to abide by
2 its obligations to maintain confidentiality by filing this Administrative Motion to Consider
3 Whether Another Party's Materials Should be Sealed pursuant to Local Rule 79-5. PAN takes no
4 position on whether the information submitted under seal based on Check Point's designations
5 meets the standard for sealing set forth in *Kamakana v. City & City of Honolulu*, 447 F.3d 1172
6 (9th Cir. 2006). Check Point, as the designating party, bears the burden of establishing that these
7 documents should be maintained under seal pursuant to Civil Local Rule 79-5(c).

8 I declare under penalty of perjury that the foregoing is true and correct. Executed this 2nd
9 day of October 2024, in Miami, Florida.

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/s/Michael J. DeStefano

Michael J. DeStefano

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ATTESTATION OF E-FILED SIGNATURE

I, Kyle W.K. Mooney, am the ECF User whose ID and password are being used to file this Declaration of Michael J. DeStefano in Support of Administrative Motion to Consider Whether Another Party's Materials Should be Sealed. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Michael J. DeStefano has concurred in this filing.

Dated: October 2, 2024

/s/Kyle W.K. Mooney

Kyle W.K. Mooney